

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)	
DATA SECURITY BREACH LITIGATION)	MDL No. 1:19md2915 (AJT/JFA)
_____)	

This Document Relates to CONSUMER Cases

**JOINT NOTICE REGARDING RESOLUTION OF CAPITAL ONE'S
MOTION TO COMPEL PRODUCTION OF FACT SHEETS [DKT. NO. 599]**

Defendants Capital One Financial Corporation, Capital One Bank (USA), and Capital One, National Association (collectively, "Capital One") and Plaintiffs' Co-Lead Counsel (collectively the "Parties") jointly submit this notice alerting the Court that the Parties have resolved the issues contained in Capital One's Motion to Compel Production of Fact Sheets [Dkt. No. 599] by agreeing (1) that each plaintiff in the various member cases in the MDL who has not already done so must provide a response to the Fact Sheets to Capital One by July 10, 2020, (2) Capital One reserves the right to move to dismiss with prejudice any plaintiff in the various member cases who does not provide a Fact Sheet by that date, and (3) Plaintiffs reserve the right to oppose Capital One's motion to dismiss at that time.

Accordingly, the Parties request that the Court enter the attached Order directing that all remaining responses to Capital One's Fact Sheets are due by July 10, 2020, denying Capital One's Motion to Compel Production of Fact Sheets [Dkt. No. 599] as moot, and removing the hearing on the motion to compel set for June 26, 2020 from its docket.

The Parties further wish to clarify the record about the meet and confer process that preceded Capital One's Motion to Compel. Co-Lead Plaintiffs' Counsel acknowledges that the characterization of the meet and confer process in footnote 2 of the Plaintiffs' Opposition to Capital One's Motion [Dkt. 635] may have been based on a misunderstanding between the conferring

Parties. During a subsequent meet and confer, counsel for the Parties clarified the misunderstanding and discussed ways to avoid such misunderstandings in the future.

For the reasons stated above, the Parties request that the Court enter the attached Order memorializing their agreement, denying Capital One's Motion to Compel Production of Fact Sheets [Dkt. No. 599] as moot, and removing the hearing set for June 26, 2020 from the docket.

Dated: June 25, 2020

Respectfully Submitted,

/s/

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Dated: June 25, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/
Robert A. Angle